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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/380,784	09/09/1999	YOSHITO NEJIME	501.37519X00	3064

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MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
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ALEXANDRIA, VA 22314

EXAMINER

KOENIG, ANDREW Y

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/380,784

Applicant(s)

NEJIME ET AL.

Examiner

Andrew Y. Koenig

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7, 22-25 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7, 22-25, 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/1/06.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to newly added claim 27 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's arguments filed 27 April 2006 have been fully considered but they are not persuasive.

The applicant argues that the present invention now more clearly recites that the playback of video and audio data of broadcast information is started and continues until it is stopped according to a predetermined start timing of playing auxiliary information so as to permit the playback of the auxiliary information which is generated due to execution of the program or script.

The examiner disagrees; Olivo teaches replacing content of programming, wherein the broadcast information playback of video and audio data of broadcast information is started and continues until by the replacement scenes. The discussion of a script is introduced with Shimoji, which teaches a playback of audio and video data and stopping according to other information which provides auxiliary information which is generated to the execution of the program or script.

Further, the applicant argues that the if the program or script has not been executed within a predetermined period of time as measured from a time when execution of the program or script is started, then execution of the program or script is canceled.

The examiner disagrees; Shimoji teaches a relative offset of time starting from the start of the broadcast content (pg. 11, para. 0234) and determining whether a user inputs information, if the user does not input information then input information is terminated (pg. 24, para. 0436), thus if the user has not executed the script within the window of time of operation, then the selected segments have already been passed and the script is consequently cancelled.

And lastly, the applicant argues that playback of the video and audio data stored in the storage is resumed from a point succeeding the predetermined start timing after execution of the program or the script is canceled or playback of the video and audio data stored in the storage is resumed from a point succeeding playback of the data generated by execution of the program or the script.

The examiner disagrees. The claims merely recite that the program data from “a point” not “the particular point” as argued. As discussed in the rejection, Olivo teaches selectively executing the program or script, wherein the recorded program continues (resumes) or substitutes and then resumes playing back the content (col. 7, ll. 48-54, col. 14, ll. 30-53, and col. 16, ll. 1-27), which is “a point succeeding said predetermined start timing” (of claims 22 and 24), “a point succeeding playback of said data” (of claims 23 and 25). Due to the broad nature of the limitation, the instant interpretation still reads on the claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,172,111 to Olivo, Jr. (Olivo) in view of U.S. Patent Application Publication 2004/0088739 to Shimoji et al. (Shimoji).

Regarding claim 22, Olivo teaches receiving a broadcast signal (program material signal) interlocked with auxiliary information (material content signal) (col. 5-6, ll. 63-4). Olivo is silent on the material content signal being either an executable program or script. Shimoji teaches handlers as scripts, which are programs or instruction words that are executed by the receiving apparatus (pg. 10, para. 0228). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Olivo by implementing an executable program or script as taught by Shimoji in order to display the embedded information thereby enabling the user to gather access to education and entertainment options and providing interactive information to the user. Olivo teaches that the broadcast information includes audio and video data (col. 6, ll. 59-65) and the auxiliary information indicates the material content and the alternate sources being a secondary source. Olivo teaches storing the broadcast information in a storage unit (col. 5, ll. 26-35). Olivo teaches playing back the

broadcast information (col. 5, ll. 36-41). Further, Olivo teaches stopping the visual presentation of the stored broadcast signal and playing an alternate video triggered by the auxiliary information (col. 7, ll. 48-54), wherein the trigger reads on according to a predetermined start timing of said auxiliary information. Olivo teaches substituting scenes in a video sequence with more acceptable content (col. 7, ll. 48-54), one would readily recognize that the system of Olivo switching back to the broadcast information signal at the completion of the substituted signal (col. 14, ll. 30-53). Olivo teaches selective selection of the script, depending on the MCS evaluation switch (col. 14, ll. 30-53, col. 16, ll. 1-27). Olivo is silent on determining if the script is executed with a predetermined period of time. Shimoji teaches a scripts time information table for a time period of script execution (pg. 11, para. 0234, 0240) and in addition teaches that if the no user input I received then terminating the user input section (pg. 24, para. 0436), which cancels the script (when data is not entered within a predetermined period of time as measured from a time when execution of said program or said script is started) and continuing playback of the broadcast material (pg. 24, para. 0436). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Olivo by displaying the script for a predetermined period of time as measured from a time when execution of said program or said script is started as taught by Shimoji in order to provide the user with the option to select a prompt to acquire more information. Olivo teaches selective selection of the script, depending on the MCS evaluation switch (col. 14, ll. 30-53, col. 16, ll. 1-27). Accordingly, Olivo teaches playing the original content, which equates to canceling the execution of the program or script,

wherein the recorded program continues to play from the recorded medium, which reads on playing back from a point succeeding said predetermined start time (col. 14, ll. 30-53, col. 16, ll. 1-27).

Regarding claim 23, Olivo teaches receiving a broadcast signal (program material signal) interlocked with auxiliary information (material content signal) (col. 5-6, ll. 63-4). Olivo is silent on the material content signal being either an executable program or script. Shimoji teaches handlers as scripts, which are programs or instruction words that are executed by the receiving apparatus (pg. 10, para. 0228). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Olivo by implementing an executable program or script as taught by Shimoji in order to display the embedded information thereby enabling the user to gather access to education and entertainment options and providing interactive information to the user. Olivo teaches that the broadcast information includes audio and video data (col. 6, ll. 59-65) and the auxiliary information indicates the material content and the alternate sources being a secondary source. Olivo teaches storing the broadcast information in a storage unit (col. 5, ll. 26-35). Olivo teaches playing back the broadcast information (col. 5, ll. 36-41). Further, Olivo teaches stopping the visual presentation of the stored broadcast signal and playing an alternate video triggered by the auxiliary information (col. 7, ll. 48-54), wherein the trigger reads on according to a predetermined start timing of said auxiliary information. Olivo teaches substituting scenes in a video sequence with more acceptable content (col. 7, ll. 48-54), one would

readily recognize that the system of Olivo switching back to the broadcast information signal at the completion of the substituted signal (col. 14, ll. 30-53). Olivo teaches selective selection of the script, depending on the MCS evaluation switch (col. 14, ll. 30-53, col. 16, ll. 1-27). Olivo is silent on determining if the script is executed with a predetermined period of time. Shimoji teaches a scripts time information table for a time period of script execution (pg. 11, para. 0234, 0240) and in addition teaches that if the no user input I received then terminating the user input section (pg. 24, para. 0436), which cancels the script (when data is not entered within a predetermined period of time as measured from a time when execution of said program or said script is started) and continuing playback of the broadcast material (pg. 24, para. 0436). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Olivo by displaying the script for a predetermined period of time as measured from a time when execution of said program or said script is started as taught by Shimoji in order to provide the user with the option to select a prompt to acquire more information. Olivo teaches substituting scenes in a video sequence with more acceptable content (col. 7, ll. 48-54), one would readily recognize that the system of Olivo switching back to the broadcast information signal at the completion of the substituted signal (col. 14, ll. 30-53), which reads on a resuming from a point succeeding the start timing after execution of the program or script.

Regarding claim 24, Olivo teaches receiving a broadcast signal (program material signal) interlocked with auxiliary information (material content signal) (col. 5-6,

II. 63-4). Olivo is silent on the material content signal being either an executable program or script. Shimoji teaches handlers as scripts, which are programs or instruction words that are executed by the receiving apparatus (pg. 10, para. 0228). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Olivo by implementing an executable program or script as taught by Shimoji in order to display the embedded information thereby enabling the user to gather access to education and entertainment options and providing interactive information to the user. Olivo teaches that the broadcast information includes audio and video data (col. 6, II. 59-65) and the auxiliary information indicates the material content and the alternate sources being a secondary source. Olivo teaches storing the broadcast information in a storage unit (col. 5, II. 26-35). Olivo is silent on storing during a predetermined time period. Shimoji teaches a data storage unit (5125) for storing the navigation information table and system information table storage unit, for storing information as shown in figure 17-27 (pg. 21, para. 0390-0391). Consequently, Shimoji teaches storing during a predetermined period of time, based upon the data, further Shimoji teaches storing the information locally in RAM for local execution of the scripts (auxiliary content). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Olivo by storing during a predetermined time period as measured from a time when execution of said program or said script is started as taught by Shimoji in order to permit the user to return to the programming without missing any of it. Olivo teaches playing back the broadcast information with auxiliary information by controlling read operations carried out by said

Art Unit: 2623

read unit with predetermined timing (col. 5, ll. 36-41), but is silent on a processor.

Shimoji teaches the use of a CPU (processor) in that reception control unit (5126) (pg. 21, para. 0401), which controls the playback of the broadcast information with auxiliary information (pg. 21, para. 0393). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Olivo by using a processor as taught by Shimoji in order to simplify the circuitry and provide additional services. Olivo teaches selective selection of the script, depending on the MCS evaluation switch (col. 14, ll. 30-53, col. 16, ll. 1-27). Olivo is silent on determining if the script is executed with a predetermined period of time. Shimoji teaches a scripts time information table for a time period of script execution (pg. 11, para. 0234, 0240) and in addition teaches that if the no user input I received then terminating the user input section (pg. 24, para. 0436), which cancels the script (when data is not entered within a predetermined period of time as measured from a time when execution of said program or said script is started) and continuing playback of the broadcast material (pg. 24, para. 0436). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Olivo by displaying the script for a predetermined period of time as taught by Shimoji in order to provide the user with the option to select a prompt to acquire more information. Olivo teaches selective selection of the script, depending on the MCS evaluation switch (col. 14, ll. 30-53, col. 16, ll. 1-27).

Accordingly, Olivo teaches playing the original content, which equates to canceling the execution of the program or script, wherein the recorded program continues to play from

the recorded medium, which reads on playing back from a point succeeding said predetermined start time (col. 14, ll. 30-53, col. 16, ll. 1-27).

Regarding claim 25, Olivo teaches receiving a broadcast signal (program material signal) interlocked with auxiliary information (material content signal) (col. 5-6, ll. 63-4). Olivo is silent on the material content signal being either an executable program or script. Shimoji teaches handlers as scripts, which are programs or instruction words that are executed by the receiving apparatus (pg. 10, para. 0228). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Olivo by implementing an executable program or script as taught by Shimoji in order to display the embedded information thereby enabling the user to gather access to education and entertainment options and providing interactive information to the user. Olivo teaches that the broadcast information includes audio and video data (col. 6, ll. 59-65) and the auxiliary information indicates the material content and the alternate sources being a secondary source. Olivo teaches storing the broadcast information in a storage unit (col. 5, ll. 26-35). Olivo is silent on storing during a predetermined time period. Shimoji teaches a data storage unit (5125) for storing the navigation information table and system information table storage unit, for storing information as shown in figure 17-27 (pg. 21, para. 0390-0391). Consequently, Shimoji teaches storing during a predetermined period of time, based upon the data, further Shimoji teaches storing the information locally in RAM for local execution of the scripts (auxiliary content). Therefore, it would have been obvious to one of ordinary skill in the

Art Unit: 2623

art at the time the invention was made to modify Olivo by storing during a predetermined time period as measured from a time when execution of said program or said script is started as taught by Shimoji in order to permit the user to return to the programming without missing any of it. Olivo teaches playing back the broadcast information with auxiliary information by controlling read operations carried out by said read unit with predetermined timing (col. 5, ll. 36-41), but is silent on a processor. Shimoji teaches the use of a CPU (processor) in that reception control unit (5126) (pg. 21, para. 0401), which controls the playback of the broadcast information with auxiliary information (pg. 21, para. 0393). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Olivo by using a processor as taught by Shimoji in order to simplify the circuitry and provide additional services. Olivo teaches selective selection of the script, depending on the MCS evaluation switch (col. 14, ll. 30-53, col. 16, ll. 1-27). Olivo is silent on determining if the script is executed with a predetermined period of time. Shimoji teaches a script time information table for a time period of script execution (pg. 11, para. 0234, 0240) and in addition teaches that if the no user input is received then terminating the user input section (pg. 24, para. 0436), which cancels the script (when data is not entered within a predetermined period of time as measured from a time when execution of said program or said script is started) and continuing playback of the broadcast material (pg. 24, para. 0436). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Olivo by displaying the script for a predetermined period of time as taught by Shimoji in order to provide the user with the option to select

a prompt to acquire more information. Olivo teaches substituting scenes in a video sequence with more acceptable content (col. 7, ll. 48-54), one would readily recognize that the system of Olivo switching back to the broadcast information signal at the completion of the substituted signal (col. 14, ll. 30-53), which reads on a resuming from a point succeeding the start timing after execution of the program or script.

5. Claims 7 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,172,111 to Olivo, Jr. (hereafter Olivo) and U.S. Patent Application Publication 2004/0088739 to Shimoji et al. (hereafter Shimoji) in view of U.S. Patent 5,701,383 to Russo et al.

Regarding claims 7 and 27, Olivo is silent on concurrently storing the broadcast information and playing back video and audio stored in the storage unit. Russo teaches concurrent reading and writing of information onto a medium (Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Olivo by concurrent reading and writing of information onto a medium in order to implement the system with one device thereby reducing the duplication of the storage mediums


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y. Koenig whose telephone number is (571) 272-7296. The examiner can normally be reached on M-Fr (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571)272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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